

State of South Dakota

EIGHTY-EIGHTH SESSION LEGISLATIVE ASSEMBLY, 2013

394U0113

SENATE BILL NO. 94

Introduced by: Senators Lucas, Adelstein, Begalka, Bradford, Buhl, Jensen, Kirkeby, Lederman, Novstrup (Al), Sutton, Van Gerpen, and Welke and Representatives Hickey, Bolin, Craig, Duvall, Ecklund, Gibson, Hajek, Hawks, Heinert, Hoffman, Killer, Kopp, Latterell, Magstadt, Qualm, Schaefer, Schoenfish, Sly, Soli, Steele, Tulson, Tyler, and Wick

1 FOR AN ACT ENTITLED, An Act to prohibit a social host from permitting the underage
2 consumption of alcoholic beverages on the social host's premises and to provide penalties
3 therefor.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 No person, acting as a social host, may, knowingly, permit any person under the age of
8 eighteen to illegally consume any alcoholic beverage, regardless of the providence of the
9 alcoholic beverage, on or at the premises of the person acting as social host. Any violation of
10 this section is a Class 1 misdemeanor.

11 Section 2. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 No person, acting as a social host, may, knowingly, permit any person aged eighteen,



1 nineteen, or twenty to illegally consume any alcoholic beverage, regardless of the providence
2 of the alcoholic beverage, on or at the premises of the person acting as social host. Any violation
3 of this section is a Class 2 misdemeanor.

4 Section 3. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 It is a defense against a conviction for a violation of sections 1 and 2 of this Act that,
7 immediately upon learning of the illegal consumption, the social host or an agent of the social
8 host took effective and appropriate action to stop the illegal consumption and to secure or to
9 attempt to secure the contraband alcoholic beverages.

10 Section 4. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 It is not a defense of a violation of sections 1 and 2 of this Act that the social host was not
13 physically present on or at the premises if the social host knew or should have known that illegal
14 consumption of alcoholic beverages would occur in his or her absence.